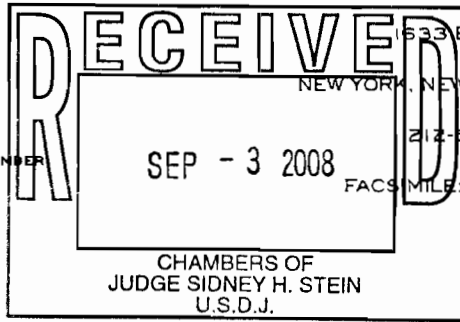


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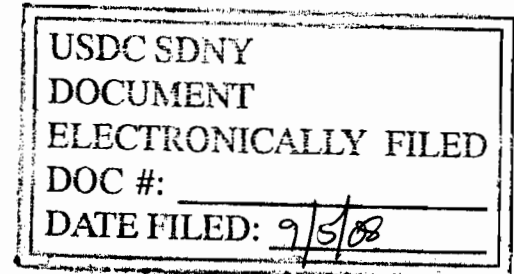
September 3, 2008

ATLANTA
HOUSTON
NEWARK
SAN FRANCISCO

VIA FAX

Hon. Sidney H. Stein
United States District Court
500 Pearl Street - Room 1010
New York, New York 10007

MEMO ENDORSED



Re: American Mgmt. Ass'n. Int'l v. Syme *et al.*
Civ. Action No. 08-6998 (SHS) (FM)

Dear Judge Stein:

We represent the Plaintiff, American Management Association International ("AMA" or "Plaintiff") in the above-referenced matter. Currently before the Court is AMA's Motion for Preliminary Injunction and Expedited Discovery (the "Motion"), which was filed on August 13, 2008.

Rather than responding with a single set of papers to AMA's Motion, Defendants Stephen Gershenson and Gershenson & Associates, Inc. ("Defendants")¹ unilaterally "split" AMA's Motion in two and filed two separate memoranda of law in opposition thereto, each approximately 24 pages in length, the first of which purportedly addresses AMA's request for expedited discovery (which took up approximately 2 ½ pages of AMA's Motion) and the second addressing AMA's application for injunctive relief.² Defendants' purpose in proceeding in this fashion is self-evident -- to evade Your Honor's Individual Practice Rule limiting memoranda in opposition to motions to 25 pages and thereby obtain "two bites at the apple". Defendants did not seek, as they should have, permission from the Court for an extension of the 25-page limit.

¹ We believe Defendant Syme, a Canadian national who has not yet appeared in this action, also is represented by counsel for Defendants Gershenson and Gershenson & Associates. Counsel for Defendants informed us that they are not authorized to accept service of process on behalf of Mr. Syme. AMA, therefore, is in the process of perfecting service on Mr. Syme in accordance with the requirements of the Hague Convention.

² Defendants claim they were "required" by Local Rule 6.1 to split AMA's Motion into two parts. See Defendants Stephen Gershenson and Gershenson & Associates, Inc.'s Memorandum of Law in Opposition to Plaintiff's Motion for Expedited Discovery, dated August 21, 2008, at pg. 1, fn. 1 and 2. This clearly is not the case. AMA's Motion was submitted in the first instance pursuant to Fed. R. Civ. P. 65 -- which is governed by Local Rule 6.1(b) -- and the request for expedited discovery was made pursuant to the Court's inherent power to prioritize injunction matters by, *inter alia*, expediting discovery so that hearings on such matters can occur as early as possible.

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Based on the foregoing, and in light of Defendants' violation of the Court's Rules, we respectfully urge Your Honor to reject the memoranda submitted by Defendants and direct Defendants to file answering papers that conform to the Court's Rules. Alternatively, we respectfully request an extension of the page limitation with respect to reply memoranda in order for AMA to have a fair opportunity to respond to both sets of opposition papers filed by Defendants. In this regard, we believe a 5-page extension of the page limitation on reply briefs would suffice to permit AMA to address any additional arguments made by Defendants in their second set of opposition papers.

We thank Your Honor for your attention to this matter.

Respectfully submitted,

Joseph A. Piesco, Jr.

cc: Jason A. Scurti, Esq. (via fax)

9/4/08
Scurti
Piesco
U.S.D.J.